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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,980	02/12/2002	Hung-Liang Chiu	3313-0483P	3526

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EXAMINER
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KRISCIUNAS, LINDA MARY

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/072,980

Applicant(s)

CHIU ET AL.

Examiner

Linda Krisciunas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/12/02 and 5/6/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the application filed February 12, 2002. Claims 1-11 are pending.

#### ***Claim Objections***

2. Claim 7 is objected to because of the following informalities: The limitations of the claim contain the number 10 in lines 16 and 18. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "at least" is not definitive and does not expressly define the limitations of the claim.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms "parameter" and "utilizing various numbers" are not definitive and do not expressly define the limitations of the claim.

Claims 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language of claims 10 and 11 do not provide a clear and definitive teaching of their limitations.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "accommodation check period" is not defined in the specification to allow one of ordinary skill in the art to replicate the limitations of the claim.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "material process" is not defined in the specification to allow one of ordinary skill in the art to replicate the limitations of the claim.

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "score-bill checklist" is not defined in the specification to allow one of ordinary skill in the art to replicate the limitations of the claim.

7. Claim 1 recites the limitations "accommodation check period" and "enterprise end". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "material records". There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "base score". There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "defect score". There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "score-bill checklist" and "basis of contract renewal assessment". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindoerfer et al (US 2002/0069096).

As per claim 1, Lindoerfer teaches receiving at least one message of storing at least one material in a facility through the Enterprise Resource Planning (ERP) server (paragraph 86, where a message or alert is sent through the supply chain management software (SCMS) server which is equivalent to an ERP server as it performs an identical function in substantially the same manner with substantially the same results.); issuing a receiving order by the facility according to received material (paragraph 116 where the items are marked "received" in the RFQ summary screen which is equivalent to issuing a receiving order.); and proceeding payment from the enterprise end to the supplier/vendor end (paragraph 117 where the Schedule Summary lists the payment information and status for each order.); and calculate the accommodation check period of the supply/vendor based on the receiving order through the Enterprise Resource Planning (ERP) server (See paragraph 229: "Finally, setting the DE functionality attribute at Level 4, for a planning schedule line, defines the value a specific planning schedule line. This allows a manufacturer the ability to define a DE value for a single delivery where, for example, a manufacturer inspection needs to be performed and the supplier is allowed to ship the product as soon as it is ready by setting the DE value to 1000. ").

As per claims 2-3, Lindoerfer teaches the facility is categorized based on production requirements of different product prototypes to execute work orders received by the enterprise end (paragraph 112, where "Users may view product and/or service information summaries organized by category, e.g., supplier, using the

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"Information Summary" screens, an example of which is shown in FIG. 7." Where the product may be different materials or finished goods.).

As per claim 4, Lindoerfer teaches the receiving order is the receipt of total amounts of material supply acceptance from the vendor. It provides at least a column to store various numbers of the material records. (paragraph 112: "the SRMS holds a complete product and/or service information database with details regarding a given product and/or service. When a new product is introduced to the system, the SRMS creates a new record and automatically fills in all information available for that product from the manufacturer provided data stream (e.g., from the planning schedule or purchase order). Two displays control this process: the "Information Summary" screen in FIG. 7 that lists all products and/or services provided by a given supplier, and the "Information Detail" screen exemplified in FIG. 8 which provides details on each product and/or service." And paragraph 117: "The "Schedule Summary" screen provides the user with summary information on all parts delivery requirements to the manufacturer and tracks the status of these requirements from this point on in time until the requirement is fulfilled and completed. For example, the "Schedule Summary" displays the commit, shipment, receipt and payment information for each schedule item. Schedule data appears as a series of tables 210, one for each product and/or service that a particular supplier provides to the manufacturer.")

As per claim 5, Lindoerfer teaches calculating receiving status of a material through the Enterprise Resource Planning (ERP) server and giving a parameter (paragraph 117: "The "Schedule Summary" screen provides the user with summary

information on all parts delivery requirements to the manufacturer and tracks the status of these requirements from this point on in time until the requirement is fulfilled and completed." Where the parameter provided would be the status statement of what stage the order is in at the present time.), utilizing various numbers in specific formula and generating score for accommodation check period of the material (paragraph 229, where DE functionality attribute value is equivalent to a score.); and generating payable due date of the supplier/vendor according to a checklist (paragraph 117: "the "Schedule Summary" displays the commit, shipment, receipt and payment information for each schedule item. Schedule data appears as a series of tables 210, one for each product and/or service that a particular supplier provides to the manufacturer. Using the filter section 220 at the top of the screen, the user can query the database to view all or selected tables 210. Individual searches by product or service number, date range, manufacturer plant or product status/options (e.g., all items, firm items, planned items, archive items, changes items, deleted items, excepted items, paid items, past due items, or shipped items), and/or number of products and/or services may be performed using the filter section 220.").

As per claim 6, Lindoerfer teaches the parameter is determined by the difficulty of material process, and can be rectified based on material receiving reports from the supplier/vendor (paragraph 144: "Other information available to users of the SRMS includes certification information. For example, depending on manufacturer requirements and/or state and federal regulations, suppliers may be required to provide data to a "Certification Remarks Summary" screen for certain shipments.").

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindoerfer.

As per claim 7, Lindoerfer teaches delivery batches is the total amount of material acceptance at the enterprise end in one month. (paragraph 211: "The quality performance information includes: a graph of months versus PPM showing monthly PPM, 6 sigma, and average PPM; a first table listing total delivered units, total supplier rejected units, total rejected at receiving, total rejected during manufacturing, products defective per million received; and a table listing product number, advance ship notice number, date shipped, quantity shipped, quantity returned, and supplier rejected units."); a formula is used to assess material supply quality of the supplier/vendor through a base score deducts a defect score to generate result. Official notice is taken that it is old and well known to subtract the defective or rejected product from the acceptable product and use this value as the total accepted product order. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a means for removing the defective parts from the inventory count to provide an accurate count of usable parts. It consists at least of the following variables:

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a rejects batches is the total amount of material returned from the enterprise end back to the supplier/vendor in one month. Official notice is taken that it is old and well known to return rejected product to a supplier. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to send parts back to the supplier if they were rejected to provide a means of accounting for all accepted product and all rejected product. Batches of special acceptance is the total amount of acceptable materials from the enterprise end back to the supplier/vendor in one month. Official notice is taken that it is old and well known that product is shipped back to the supplier and then accepted as a re-worked part. This would be equivalent to a special acceptance. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a means for accepting re-worked product to provide a means for maximizing inventory levels and reducing cost.

As per claim 8, Lindoerfer teaches the base score is determined by the enterprise (paragraph 213: trend analysis, where based upon past use or performance of the product the numbers are graphed. Since this is monitored by the enterprise it is equivalent to a base score determined by the enterprise.).

As per claim 9, Lindoerfer teaches the defect score is the product of the parameter multiplied by an inspecting number (paragraph 211, where the defective parts per million is calculated.) Official notice is taken that it is old and well known to verify a small sample of a product shipment and extrapolate out to determine the number of defects per million parts. Therefore it would have been obvious to one of

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ordinary skill in the art at the time of the invention to incorporate a means of measuring a sample of product to provide an efficient means for determining defect rate.

As per claim 10, Lindoerfer teaches the inspecting number is the result of multiplying the reject batches by 100 add to the sum of multiplying the batches of special acceptance by 40 to divide the delivery batches. Official notice is taken that it is old and well known how to determine an inspection number as there are ASTM standards (ASTM E122-00 in particular) and others already accepted as means for determining a statistically accurate inspection number. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means for determining an inspection sample number to provide an efficient means of testing product samples.

As per claim 11, Lindoerfer teaches the score-bill checklist is determined by the enterprise (paragraph 211: where a report is generated that scores the supplier based upon a list of factors. This is equivalent to a score-bill checklist.); transfer supplier/vendor scores to an accommodation check period and on the bases of contract renewal assessment through the Enterprise Resource Planning (ERP) server (paragraph 231: "The exemplary "Cumulative Reconciliation" screen includes information such as product number (both supplier and manufacturer if different), product description (both supplier and manufacturer if different), manufacturer name or other identifying information, contract/agreement number, original estimated annual usage, year-to-date (YTD) receipts, YTD contract completion percentage, YTD quantity committed total, YTD quantity committed percentage, and uncommitted quantity. One

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skilled in the art recognizes that there are many variations available for the information listed in the "Cumulative Reconciliation" screen, for example, the time measurement need not be years (e.g., could be months, total project length, etc." where supplier performance can impact the contract.).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about supplier logistics: Wojcik et al (US 5,666,493), Lidow (US 2005/0177435), DeLa Motte et al (US 2003/0014318), Hahn-Carlson (US 6,704,612), Wong (US 2003/0149578), ASTM Standards Listing (6 pages) and Department of Defense Acquisition Regulations, February 14, 1991.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

*LMK*  
*March 21, 2006*

  
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